

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90080 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Suraj Chauhan Son of Mangal Chauhan Resident of Village- Mahauri, P.S.- Nabinagar, Distt.-Aurangabad
2. Sandesh Chauhan Son of Gauri Shankar Chauhan Resident of Village- Mahauri, P.S.- Nabinagar, Distt.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 01-07-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek regular bail in a case registered for the offences punishable under Sections 302, 307, 323, 341, 379, 504, 506, 147 and 149 of the I.P.C.

3. As per the prosecution case, on 15.01.2024 at about the informant along with his friends was going to Sasaram, on the way, driver of a dumper and a motorcyclist entered into an altercation with regard to parking of vehicles, in the meantime, someone fired, on this a crowd gathered and started assaulting him and his friends. It is next alleged that Arman, Anjar and Mojahid were beaten to death by the mob.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners



are not named in the FIR. Similarly situated co-accused persons, namely, Sujit Kumar, Mukesh Chauhan, Dinesh Ram, Alok Kumar, Suraj Chauhan and Dashrath Chauhan, in whose confessional statement the name of the petitioners has surfaced in this case, have already been granted bail by a co-ordinate Bench of this Court vide order dated 02.07.2024 passed in Cr. Misc. No. 21104 of 2024. It is next submitted that there is a case and counter case between the parties. The learned counsel further submits that charges against the petitioners have been framed on 13.12.2024. It is lastly submitted that the Petitioner No. 1 Suraj Chauhan has one criminal antecedent whereas the Petitioner No. 2 Sandesh Chauhan has clean antecedent and both are in custody since 24.08.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid submissions of the parties and taking into account the fact that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court coupled with the fact that the petitioners are in custody since 24.08.2024, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of



the like amount each to the satisfaction of learned Court concerned, Aurangabad, in connection with Nabinagar P.S. Case No. 15 of 2024, subject to the following conditions:-

- (i) One of the bailors will be close relative of the petitioners.*
- (ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.*
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be canceled by the Court concerned.*
- (iv) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bonds.*
- (v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.*

7. The application stands allowed.

(Sourendra Pandey, J)

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